

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
WILKESBORO DIVISION

IN RE:) Bankruptcy Case No. 13-50230
) Chapter 7
RICHARD BRIAN MCGEE and)
SUZANNA MUGNIER MCGEE,)
)
Debtors.)

TRUSTEE'S OBJECTION TO CLAIMS AND MOTION TO DETERMINE CLAIMS OF:

- (1) AMERICAN INFOSOURCE, LP;**
- (2) CAPITAL ONE, N.A.;**
- (3) CERASTES, LLC;**
- (4) EMPIRE ACCEPTANCE CO., INC.;**
- (5) DEPARTMENT OF THE TREASURY-INTERNAL REVENUE SERVICE;**
- (6) PYOD LLC; AND**
- (7) SUNTRUST MORTGAGE, INC.**

The Trustee, Barrett L. Crawford, hereby objects to the claims of (1) American InfoSource, LP, (2) Capital One, N.A., (3) Cerastes, LLC, (4) Empire Acceptance Co., Inc., (5) Department of the Treasury – Internal Revenue Service, (6) PYOD LLC, and (7) SunTrust Mortgage, Inc., and recommends that the claims be treated as set forth below:

| <u>CLAIM NO.</u> | <u>CLAIMANT</u> | <u>AMOUNT OF CLAIM</u> |
|------------------|-------------------------|------------------------|
| 11 | American InfoSource, LP | \$12,834.25 |

The Trustee objects to this unsecured claim inasmuch as insufficient documentation was included to support claim.

Recommendation: Disallow claim.

| <u>CLAIM NO.</u> | <u>CLAIMANT</u> | <u>AMOUNT OF CLAIM</u> |
|------------------|-------------------|------------------------|
| 12 | Capital One, N.A. | \$1,291.25 |

The Trustee objects to this secured claim as collateral not administered by Trustee, collateral exempted or abandoned, collateral subject of motion for relief from stay or debt reaffirmed.

Recommendation: Disallow claim.

| <u>CLAIM NO.</u> | <u>CLAIMANT</u> | <u>AMOUNT OF CLAIM</u> |
|------------------|-----------------|------------------------|
| 7 | Cerastes, LLC | \$367.53 |

The Trustee objects to this unsecured claim inasmuch as insufficient documentation was included to support claim.

Recommendation: Disallow claim.

| <u>CLAIM NO.</u> | <u>CLAIMANT</u> | <u>AMOUNT OF CLAIM</u> |
|------------------|-----------------------------|------------------------|
| 2 | Empire Acceptance Co., Inc. | \$4,111.11 |

The Trustee objects to this secured claim as collateral not administered by Trustee, collateral exempted or abandoned, collateral subject of motion for relief from stay or debt reaffirmed.

Recommendation: Disallow claim.

| <u>CLAIM NO.</u> | <u>CLAIMANT</u> | <u>AMOUNT OF CLAIM</u> |
|------------------|---|------------------------|
| 5 | Department of the Treasury – Internal Revenue Service | \$8,057.84 |

The Trustee objects to this claim on the grounds that it is estimated and unliquidated.

Recommendation: Disallow claim.

| <u>CLAIM NO.</u> | <u>CLAIMANT</u> | <u>AMOUNT OF CLAIM</u> |
|------------------|-----------------|------------------------|
| 10 | PYOD LLC | \$1,089.12 |

The Trustee objects to this unsecured claim inasmuch as insufficient documentation was included to support claim.

Recommendation: Disallow claim.

| <u>CLAIM NO.</u> | <u>CLAIMANT</u> | <u>AMOUNT OF CLAIM</u> |
|------------------|-------------------------|------------------------|
| 9 | SunTrust Mortgage, Inc. | \$86,686.78 |

The Trustee objects to this secured claim as collateral not administered by Trustee, collateral exempted or abandoned, collateral subject of motion for relief from stay or debt reaffirmed.

Recommendation: Disallow claim.

DATED this 18th day of November, 2013.

/s/ John W. Taylor
John W. Taylor, Bar No. 21378
Attorney for Trustee
John W. Taylor, P.C.
4600 Park Road, Suite 420
Charlotte, NC 28209
(704) 540-3622

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the TRUSTEE'S OBJECTIONS TO CLAIMS AND MOTION TO DETERMINE CLAIMS OF (1) AMERICAN INFOSOURCE, LP, (2) CAPITAL ONE, N.A., (3) CERASTES, LLC, (4) EMPIRE ACCEPTANCE CO., INC., (5) DEPARTMENT OF THE TREASURY – INTERNAL REVENUE SERVICE, (6) PYOD LLC, AND (7) SUNTRUST

MORTGAGE, INC. and NOTICE OF OPPORTUNITY FOR HEARING (NO PROTEST) by either Electronic Case Filing as indicated or depositing copies of same in the exclusive care and custody of the United States Postal Service, with proper postage thereto affixed to the below listed parties this 18th day of November, 2013.

Allen Wood, Attorney for Debtor

Via Electronic Case Filing

Empire Acceptance Co., Inc.
Attention: Any Officer or Managing Agent
P.O. Box 18245
Greensboro, NC 27419

Cerastes, LLC
c/o Weinstein and Riley, PS
2001 Western Avenue, Suite 400
Seattle, WA 98121

United States Attorney's Office
555 4th Street NW
Washington, DC 20530

United States Attorney's Office
227 West Trade Street, Suite 1650
Charlotte, NC 28202

Internal Revenue Service
10th St & Pennsylvania Ave., NW
Washington, DC 20004

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

PYOD LLC, its Successors and Assigns
c/o Resurgent Capital Services
P.O. Box 19008
Greenville, SC 29602

SunTrust Mortgage, Inc.
Bankruptcy Department RVW 3034
P.O. Box 27767
Richmond, VA 23261

American InfoSource, LP as agent for
Asset Acceptance/Assignee of Citibank/
The Home Depot
P.O. Box 248838
Oklahoma City, OK 73124-8838

Capital One, N.A.
c/o Bass & Associates, P.C.
3936 E. Ft. Lowell Road, Suite 200
Tucson, AZ 85712

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED:

Citibank, N.A.
Attention: Gene McQuade, Chief Executive
Officer
701 E. 60th Street North
Sioux Falls, SD 57104
(#7013 0600 0001 7687 5133)

/s/ John W. Taylor
John W. Taylor, Bar No. 21378
Attorney for Trustee
John W. Taylor, P.C.
4600 Park Road, Suite 420
Charlotte, NC 28209
(704) 540-3622